DECLARATION

As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first and joint inventors of the invention entitled "PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT), NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR," which is described and claimed in the specification and claims of C-I-P Application No. 09/393,441, which we filed in the United States Patent and Trademark Office on September 8, 1999 and for which a patent is sought; and that this application in part discloses and claims subject matter disclosed in our earlier-filed Application No. 09/185,904, entitled "PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT), NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR," which we filed in the United States Patent and Trademark Office on November 3, 1998.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a), including material information which occurred between the filing date of said earlier-filed application and the filing date of the C-I-P application.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Christen M. Anderson

Date $\frac{1}{28}/\omega$

Residence : City of Encinitas, County of San Diego

State of California

Citizenship : United States of America

P.O. Address : 756 Poinsettia Park South

Encinitas, California 92024

Robert E. Da	H & (Davis
Date Fo	Juan	COOL 1 1
Residence	•	City of San Diego, County of San Diego
a		State of California
Citizenship	:	United States of America
P.O. Address	:	13272 Glencliff Way
		San Diego, California 92130
William Clev	lleam	R. Clever
William Cicv	-1-	
Date	tel 3	, 2000
Residence	: 7	City of Oceanside, County of San Diego
		State of California
Citizenship	•	United States of America
P.O. Address	:	3544 Windsor Road
		Oceanside, California 92107
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- Jan	din C	July May
Sandra Eileen	i Wiley	\mathcal{J}
Date	Jeb 1	,2000
Residence	: '	City of San Diego, County of San Diego
		State of California
Citizenship	:	United States of America
P.O. Address	:	3195 Galloway Drive
	•	San Diego, California 92122

Scott W. Miller

Date ____ Residence 01-28-00

City of San Marcos, County of San Diego

State of California

Citizenship United States of America P.O. Address

1205 Calle Fantasia

San Marcos, California 92069

Porces	Seali
Tomas R. Szabo	
Date	
Residence :	City of San Diego, County of San Diego State of California
Citizenship :	Sweden
P.O. Address :	3785 Third Avenue San Diego, California 92103
Janni	To Grop
Soumitra S. Ghosh	
Date 1/28	00
Residence :	City of San Diego, County of San Diego State of California
Citizenship :	United States of America
P.O. Address :	12334 Pathos Lane San Diego, California 92129
SD.	
Walter H. Moos	
Date	00
Residence :	City of Oakland, County of Alameda State of California
Citizenship :	United States of America
P.O. Address :	724 Grizzly Terrace Drive
	Oakland, California 94611
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Ger	
Yazhong Pei	/
Data // 9	(200
Date	City of San Diego, County of San Diego
Residence .	State of California

San Diego, California 92130 u:\lizm\sjr\mitokor 660088\0781.doc (660088.420C1)

Citizenship P.O. Address Peoples Republic of China 5185 Seachase Street

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Christen M. Anderson, Robert E. Davis, William Clevenger, Sandra

Eileen Wiley, Scott W. Miller, Tomas R. Szabo, Soumitra S. Ghosh,

Walter H. Moos and Yazhong Pei

Application No. : 09/393,441

Filed : September 8, 1999

For : PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR

(ANT), NOVEL ANT LIGANDS AND SCREENING ASSAYS

THEREFOR

Docket No. : 660088.420C1

Box Missing Parts Assistant Commissioner for Patents Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints RICHARD W. SEED, Reg. No. 16,557; ROBERT J. BAYNHAM, Reg. No. 22,846; EDWARD W. BULCHIS, Reg. No. 26,847; GEORGE C. RONDEAU, JR., Reg. No. 28,893; DAVID H. DEITS, Reg. No. 28,066; WILLIAM O. FERRON, JR., Reg. No. 30,633; PAUL T. MEIKLEJOHN, Reg. No. 26,569; DAVID J. MAKI, Reg. No. 31,392; RICHARD G. SHARKEY, Reg. No. 32,629; DAVID V. CARLSON, Reg. No. 31,153; KARL R. HERMANNS, Reg. No. 33,507; DAVID D. MCMASTERS, Reg. No. 33,963; MICHAEL J. DONOHUE, Reg. No. 35,859; STEVEN D. LAWRENZ, Reg. No. 37,376; ELLEN M. BIERMAN, Reg. No. 38,079; ANN T. KADLECEK, Reg. No. 39,244; DAVID W. PARKER, Reg. No. 37,414; FRANK ABRAMONTE, Reg. No. 38,066; E. RUSSELL TARLETON, Reg. No. 31,800; KEVIN S. COSTANZA, Reg. No. 37,801; DALE C. BARR, Reg. No. 40,498; THOMAS E. LOOP, Reg. No. 42,810; STEPHEN J. ROSENMAN, Reg. No. 43,058; BRIAN L. JOHNSON, Reg. No. 40,033; JAMES D. WHITE,

Reg. No. 43,985; KIMTON N. ENG, Reg. No. 43,605; SUSAN D. BETCHER, Reg. No. 43,498; DENNIS M. de GUZMAN, Reg. No. 41,702; JANE E.R. POTTER, Reg. No. 33,332, KENNETH H. TARBET, Reg. No. 43,181, WILLIAM T. CHRISTIANSEN, Reg. No. P-44,614, and ROBERT IANNUCCI, Reg. No. 33,514, comprising the firm of SEED AND BERRY LLP, 6300 Columbia Center, Seattle, Washington 98104-7092, and ANDREW E. GRANSTON, JR., Reg. No. 38,473 of the firm MITOKOR, 11494 Sorrento Valley Road, San Diego, California 92121, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to Stephen J. Rosenman, Ph.D. at (206) 622-4900 and telecopies to (206) 682-6031.

Please direct all communications to:

Stephen J.Rosenman, Esq. Seed and Berry LLP 6300 Columbia Tower 701 Fifth Avenue Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

MITOKOR ASSIGNEE

February 1, 2000

Robert E. Davis

President and Chief Science Officer

Enclosure:

Copy of Assignment

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ASSIGNMENT

WHEREAS, we, Christen M. Anderson, Robert E. Davis, William Clevenger, Sandra Eileen Wiley, Scott W. Miller, Tomas R. Szabo, Soumitra S. Ghosh, Walter H. Moos and Yazhong Pei (hereinafter referred to as ASSIGNORS), having post office addresses of 756 Poinsettia Park South, Encinitas, California 92024, 13272 Glencliff Way, San Diego, California 92130, 3544 Windsor Road, Oceanside, California 92107, 3195 Galloway Drive, San Diego, California 92122, 1205 Calle Fantasia, San Marcos, California 92069, 3785 Third Avenue, San Diego, California 92103, 12334 Pathos Lane, San Diego, California 92129, 724 Grizzly Terrace Drive, Oakland, California 94611, and 5185 Seachase Street, San Diego, California 92130, respectively, are the joint inventors of an invention entitled "PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT), NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR," as described and claimed in the specification forming part of a continuation-in-part application for United States letters patent which was filed on September 8, 1999 and assigned Application No. 09/393,441; this application is a continuation-in-part of U.S. Application No. 09/185,904, filed November 3, 1998, which application is pending.

WHEREAS, MITOKOR (hereinafter referred to as ASSIGNEE), a corporation of the State of California having a place of business at 11494 Sorrento Valley Road, San Diego, California 92121, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on

said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Date State of SS.

I certify that I know or have satisfactory evidence that Christen M. Anderson is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Comm. # 1131778 OTARY PUBLIC - CALIFORNIA San Diego County My Comm. Expires March 31, 2001 Dated

Signature of Notary Public

Printed Name

My appointment expires

T. D.
Date O 1
State of alson
County of Ston h
I certify
person who appeared b
and acknowledged it to
instrument.
INCOLLETINE J. ALTMAN

February 1, 20	m Kelent & David
Date	Robert E. Davis
	<i>V</i>
State of Laliforn	
α) ss.
County of Andrew	
I certify that	I know or have satisfactory evidence that Robert E. Davis is the
person who appeared before	me, and said person acknowledged that he signed this instrument
and acknowledged it to be h	is free and voluntary act for the uses and purposes mentioned in the
instrument.	
	Dated Jebruary 1, 2000
THE CONTRACT OF ALTHAN	Signature of Notary Public Facqueline A Altman
JACQUELINE J. ALTMAN Comm. # 1131778	Notary I work of magnetions of the state of
NOTARY PUBLIC - CALIFORNIA	Printed Name Jacqueline J. HhTMan
San Diego County My Comm, Expires March 31, 2001	My appointment expires March 31, 2001
_ 4	my appointment expires
Feb 3 200	10 William Paven
Date	William Clevenger
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State of _ afforms	
Company of the Company) SS.
County of Am The	
I certify that I	know or have satisfactory evidence that William Clevenger is the
person who appeared before	me, and said person acknowledged that he signed this instrument
and acknowledged it to be hi	s free and voluntary act for the uses and purposes mentioned in the
instrument.	<i>A</i>
	$\mathcal{A}_{\mathcal{D}}$
	Dated Tehruary 3, 2000
	Signature of ()
JACQUELINE J. ALTMAN Comm. # 1131778	Notary Public Jacqueline & Altman
MEN NOTARY PUBLIC - CALIFORNIA	Printed Name / Paraueline J. Ahlman
San Diego County My Comm. Expires March 31, 2001	Maria Traine
	My appointment expires Multiple 11, 2001

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Date	Sandra Eileen Wiley
State of California	<u>. </u>
County of Dan 1	SS.
Loortify that	I know or have catisfactory evidence that Candra Eilean Wiley is the
	I know or have satisfactory evidence that Sandra Eileen Wiley is the me, and said person acknowledged that she signed this instrument
	her free and voluntary act for the uses and purposes mentioned in the
instrument.	Here that i or the tree the tree that purposes mondoned in the
	\mathcal{A}_{α}
	Dated Telegrapy 1, 2000
JACQUELINE J. ALTMAN Comm. # 1131778	Signature of Notary Public Lacqueline & Altman
NOTARY PUBLIC CALIFORNIA San Diego County	Printed Name/ Jacqueline J. ALTman
My Comm. Expires March 31, 2001	My appointment expires Musch 31, 2001
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Date /	Scotte Miller
State of Californ	(<u>a</u>) //
County of San D) ss. /
County of Divining	
I certify that	I know or have satisfactory evidence that Scott W. Miller is the
•	me, and said person acknowledged that he signed this instrument
and acknowledged it to be h	is free and voluntary act for the uses and purposes mentioned in the
instrument.	
	Dated Lanuary 28, 2000
	Signature of Notary Public Acqueline V. Altmin
	Printed Name Jacqueline J. Ahtman
	My appointment expires March 31, 2001

1/28/00	Pours Dalo
Date /	Tomas R. Szabo
State of California	? \)
County of San hall) ss.
I certify that	I know or have satisfactory evidence that Tomas R. Szabo is the
	me, and said person acknowledged that he signed this instrument
	is free and voluntary act for the uses and purposes mentioned in the
instrument.	
	Dated January 28, 2000
JACQUELINE J. ALTMAN	Signature of
Comm. # 1131778	Notary Public & Acqueline & Stamus
NOTARY PUBLIC CALIFORNIA San Diego County	Printed Name Jacqueline J. Ahtman
My Comm. Expires March 31, 2001	My appointment expires Much 31, 2001
	1
1/28/00	Journi Fra Chr
Date O	Soumitra S. Ghosh
State of allornia	
County of Act (A)) ss.
County of Man Ex	
I certify that 1	know or have satisfactory evidence that Soumitra S. Ghosh is the
•	me, and said person acknowledged that he signed this instrument
	s free and voluntary act for the uses and purposes mentioned in the
instrument.	
:	
	Dated Vanuary 28, 2000
JACQUELINE J. ALTMAN Comm. # 1131778	Signature of Notary Public Lacqueline & Mman
NOTARY PUBLIC - CALIFORNIA San Diago County My Comm. Express March 31, 2001	Printed Name / Jacqueline J. ALTMan
THE WALL AND THE PARTY OF THE P	My appointment expires March 31, 2001

I certify that	I know or have satisfactory evidence that Walter H. Moos is the
person who appeared before	me, and said person acknowledged that he signed this instrument
	is free and voluntary act for the uses and purposes mentioned in the
instrument.	• •
	$\mathcal{L}_{\mathcal{L}}$
JACQUELINE J. ALTMAN	Dated Tebruary 3 2000
Comm. # 1131778 NOTARY PUBLIC CALIFORNIA San Diego County	Signature of Notary Public Augustine Alfman
My Comm. Expires March 31, 2001	Printed Name Jacquella J. ALTMan
	My appointment expires March 31, 9601
1/28/2000	Clark F.
Date	Yazhong Pei
State of allonnin	·
	~) ss.
County of Don Willy	
I certify that I	know or have satisfactory evidence that Yazhong Pei is the person
	nd said person acknowledged that he signed this instrument and
	ree and voluntary act for the uses and purposes mentioned in the
instrument.	

Signature of Notary Public

Printed Name

My appointment expires ____

SS.

2-3-00

JACQUELINE J. ALTMAN Comm. #1131778

San Diego County Comm. Expires March 31, 2001

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Date

State of

County of

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

Christen M. Anderson et al.

Filed

March 14, 2001

For

PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR

(ANT), NOVEL ANT LIGANDS AND SCREENING ASSAYS

THEREFOR

Docket No.

660088.420D4

Date

March 14, 2001

Box Patent Application Commissioner for Patents Washington, D.C. 20231

DECLARATION

Sir:

I, Lawrence Teague, in accordance with 37 C.F.R. § 1.821(f) do hereby declare that, to the best of my knowledge, the content of the paper entitled "Sequence Listing" and the computer readable copy contained within the floppy disk are the same.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 14th day of March, 2001.

Lawrence Teague

Biotechnology Paralegal

701 Fifth Avenue, Suite 6300 Seattle, WA 98104-7092 (206) 622-4900 FAX (206) 682-6031

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